

9-309. Default judgment on bond.

*[For use with Rule 5-406 NMRA in the District Court,
Magistrate Court Rule 6-406 NMRA,
Metropolitan Court Rule 7-406 NMRA and
Municipal Court Rule 8-406 NMRA]*

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v.

No. _____

_____, Defendant

and

_____, (surety)

_____, (surety)

DEFAULT JUDGMENT ON BOND
(Not to be used for Cash Bonds)

This matter coming on for hearing before this court,

THE COURT FINDS:

The defendant [and the defendant's sureties] previously signed an [appearance] [bail] bond
agreeing that the defendant would appear at such times and places as may be required by this court;

The defendant failed to appear as required;

This court served a Notice of Forfeiture and Order to Show Cause on the clerk of the court forfeiting the defendant's bond more than thirty (30) days prior to this hearing;

The clerk of the court mailed to the defendant [and the defendant's sureties] the Notice of Forfeiture and Order to Show Cause why default judgment should not be entered on the forfeited bond;

The forfeited bond has not been set aside, the defendant has not been surrendered into custody and good cause has not been shown why default judgment should not be entered.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant and his sureties are jointly and severally liable for the payment of the bail bond into this court in full.

IT IS FURTHER ORDERED that if the full amount of the bail bond is not paid into this court within ten (10) days after entry of this order, execution on this judgment will issue against the defendant and the defendant's sureties.

IT IS FURTHER ORDERED that if this judgment is not paid within ten (10) days, the above named sureties shall not execute any new bonds until the full amount of this judgment is paid.

IT IS FURTHER ORDERED that if this judgment is not paid within ten (10) days, a copy of the judgment shall be mailed by the clerk of the court to the superintendent of insurance.

Date

Judge

[Effective October 1, 1987; as amended, effective August 1, 1989; as amended by Supreme Court Order No. 07-8300-29, effective December 10, 2007.]